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MR/S  
PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Stephen A. Thomas et al. ) Confirmation No.: 9377  
Serial No. 10/045,584 )  
Filed: October 26, 2001 ) Group Art Unit: 2633  
For: Method and System for Processing )  
Upstream Packets of an Optical Network )  
COPY OF PAPERS  
ORIGINALLY FILED

### TRANSMITTAL OF MISSING PARTS AND FILING FEE

Initial Patent Examination Division  
Commissioner of Patents  
Washington, DC 20231

May 22, 2002

Sir:

In response to the Notice of Missing Parts mailed March 22, 2002, the Applicants hereby transmit:

1. Nine (9) executed Declaration and Power of Attorney forms for the Applicants;
2. PTO-1595 and an executed Assignment from the Applicants to Wave7 Optics, Inc.;
3. Two checks, one in the amount of \$453 to cover the basic filing fee and the surcharge for the late filing of these parts, and one in the amount of \$40 to cover the assignment recordal fee;

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on May 22, 2002.

Steven P. Wigmore, Reg. No. 40,447

4. A duplicate copy of Notice to File Missing Parts of Application—  
Filing Date Granted;
5. Nine sheets of Formal Drawings with appropriate margins; and
6. A preliminary amendment correcting the discrepancy between the  
Brief Description of the Drawings and the originally filed Figures.

The filing fee is calculated as follows:

FOR:	NO. FILED	NO. EXTRA	SMALL ENTITY		LARGE ENTITY	
			RATE	FEE	RATE	FEE
<b>BASIC FEE</b>				<b>\$370</b>		<b>\$740</b>
TOTAL CLAIMS	22- 20 =	2	x9 =	18	x18 =	
INDEP. CLAIMS	0- 3 =	0	x42 =		x84 =	
MULTIPLE DEPENDENT CLAIM PRESENTED			+140 =		+280 =	
LATE-FILING SURCHARGE			+ 65 =	65	+130 =	
FOREIGN LANGUAGE SURCHARGE			+130=		+130 =	
			<b>TOTAL</b>	<b>\$453</b>	<b>TOTAL</b>	

#### REMARKS

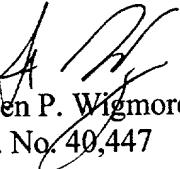
Applicants have amended the specification to correct the discrepancy identified by the Initial Patent Examination Division between the originally filed brief description of the drawings section of the text and originally filed drawings.

Specifically, the brief description of Figure 12 has been added while the description for Figures 13-16 have been changed to be consistent with the originally filed Figures. Further, the brief description for Figure 17 has been deleted since a Figure 17 was not submitted in this application at the time of filing.

The undersigned certifies that no new matter is being introduced by the preliminary amendment because the originally filed drawings support all amendments made herein. The Applicants note that the language for the brief description of Figure 12 was taken literally and entirely from the first step 1305 of Figure 12 in the originally filed drawings.

It is believed that the submission of these papers and this payment completes the filing of all necessary papers and it is therefore respectfully requested that the application be passed to the appropriate examining group for action on the merits.

Respectfully submitted,



Steven P. Wigmore  
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K&S Docket: 08286.105010



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/045,584	10/26/2001	Stephen A. Thomas	08286.105010

## CONFIRMATION NO. 9377

20786  
KING & SPALDING  
191 PEACHTREE STREET, N.E.  
ATLANTA, GA 30303-1763

## FORMALITIES LETTER



\*OC000000007697293\*

Date Mailed: 03/22/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

06/06/2002 MBERHE 00000014 10045584

## FILED UNDER 37 CFR 1.53(b)

01 FG1201	370.00 DP
02 FG1205	65.00 DP
03 FG1203	18.00 DP

*Filing Date Granted*COPY OF PAPERS  
ORIGINALLY FILED

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$18.
  - \$18 for 2 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 453.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

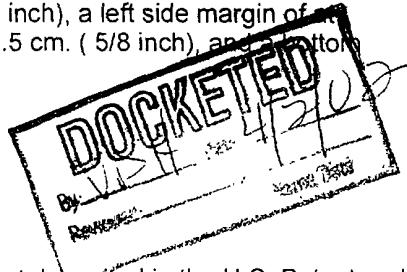
The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

- drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 17 described in the specification.
- If applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and



Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY